

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

Michael A. Gral,

Debtor.

Case No. 16-21329
Chapter 11

**MOTION TO BIFURCATE HEARINGS ON ALTERNATIVE MOTIONS FOR
DISMISSAL/EXTENSION AND MOTION FOR APPOINTMENT OF A CHAPTER 11
TRUSTEE**

Debtor moves the Court for an Order bifurcating motions for dismissal/extension and motions for the appointment of a Chapter 11 Trustee, and as grounds therefore, alleges and shows to the court as follows:

1. Debtor filed a Petition under Chapter 11 of Title 11, United States Code on February 20, 2016.
2. Bielinski Bros. Builders, Inc. ("BBB") filed alternative motions for dismissal pursuant to 11 U.S.C. §1112, for extension, pursuant to 11 U.S.C. §305 and for the appointment of a Chapter 11 Trustee pursuant to 11 U.S.C. §1104. These motions were improvidently filed according to the Court and they were refiled on February 29, 2016.
3. SB1 Cedarburg, LLC, ("SB1") filed on March 1, 2016, a motion for the appointment of a Chapter 11 Trustee.
4. There are compelling reasons for bifurcating the motions for dismissal/extension from the motions for the appointment of Chapter 11 Trustee, which are stated as follows:
 - (a) This case is in its preliminary stages, a first meeting of Creditors has not been held yet; the schedules have not been filed; and a Creditors Committee has not been appointed nor is there any attorney representing the unsecured creditors.

(b) The Debtor has other substantial claims, including two which are larger than both movant's claims (a local bank being owed over \$10,000,000.00, and another unsecured creditor which has a claim that is larger than either of the two movant's claims).

5. 11 U.S.C. §1112(a)(3) mandates that a hearing be commenced within thirty days of the date of the filing of a motion to dismiss and the Court must enter a decision within fifteen days of the end of the hearing. 11 U.S.C. §1104 contains no such provision and therefore exigencies of the motion to dismiss are not present with respect to the motion to appoint a chapter 11 trustee.

WHEREFORE, Debtor respectfully requests that the Court bifurcates the issue of appointing a Chapter 11 Trustee to a later date for the above compelling reasons.

Dated this 7 day of March, 2016.

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